

FEDERAL COMMUNICATIONS COMMISSION
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March 7, 2016

Mr. Todd Mohr
Synergy Broadcast North Dakota, LLC
5399 Wallace Lane
Ludington, MI 49431

Re: KQLZ (FM), New England, ND
Synergy Broadcast North Dakota, LLC
Facility Identification Number: 164305
Special Temporary Authority
BSTA-20160216ABF

Dear Mr. Mohr:

This is in reference to the request filed February 16, 2016, for Synergy Broadcast North Dakota, LLC (“Synergy”). Synergy requests Special Temporary Authority to operate KQLZ at a temporary site on Channel 239 in New England, ND to restore this repeatedly silent station to operation.¹ Synergy must return KQLZ to operating status **no later than March 24, 2016** to

¹ The previous licensee of KQLZ, Horizon Christian Fellowship (“HCF”) had requested STA to remain silent due to “inadequate financial resources” (see BLSTA-20110318AEQ, filed March 18, 2011). HCF filed a Resumption of Operation notice on May 5, 2011, followed by a second silent station STA request (BLSTA-20110520ABR) that was granted July 18, 2011.

On July 28, 2011, HCF filed application BALED-20110728AFF to assign KQLZ from HCF to Synergy. The assignment application was granted September 26, 2011 and the assignment was consummated on October 6, 2011. In that same time period, Synergy filed a modification of license application (BMLH-20110822ABT, filed August 22, 2011) to change the station license from noncommercial educational to commercial; the modification of license was granted October 13, 2011. It does not appear that the station was in operation at that point, since Synergy filed a silent STA extension request on January 13, 2012 (BLESTA-20120113ACX). Synergy filed a Resumption of Operation notice on April 4, 2012 followed by yet another STA request to remain silent (BLSTA-20120508ACI) and another extension of that (BLESTA-20130307AAP) and another Resumption of Operation notice on April 25, 2013.

Just 5 days later, Synergy filed a new STA request to remain silent (BLSTA-20130430ACT) and a subsequent extension request (BLESTA-20140115ABK) followed by another Resumption of Operation notice on April 11, 2014. Once more this was followed by an STA request to remain silent (BLSTA-20140423ABE) and an extension request (BLSTA-20150202ABD) and a March 23, 2015 Resumption of Operations notice. Seven days after that, Synergy filed its latest request to remain silent (BLSTA-20150330AFG), granted April 15, 2015.

Presently, Synergy must restore KQLZ to authorized operation no later than March 24, 2016 to avoid automatic cancellation of the station’s license pursuant to Section 312(g) of the Communications Act.

Additionally, Synergy/KQLZ held construction permit BPH-20120727AHW for Class C1 facilities on Channel 239 (95.7 MHz) at Beulah, ND: that construction permit expired November 30, 2015. The expiration of that permit does

avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

The request for STA IS HEREBY GRANTED. KQLZ may resume temporary operation at New England, ND with the following facilities:

Geographic coordinates:	46° 31' 58.5" N, 102° 52' 1.3" W (NAD 1927)
Channel	239A (95.7 MHz)
Effective radiated power:	0.1 kilowatts (H&V)
Antenna height:	
above ground:	12 meters
above mean sea level:	807 meters
above average terrain:	18 meters
Tower height above ground level:	12 meters

Synergy must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310. Synergy must advise the Commission when licensed operations resume.

This authority expires on **September 3, 2016**.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [**ending March 24, 2016**], notwithstanding the grant of the present STA. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

not relieve the licensee of the obligation to make this community change. Thus, KLQZ must move to Beulah, ND, it cannot remain for long at New England, ND. This move cannot be made via Special Temporary Authority: KQLZ must implement authorized construction permit facilities at Beulah. We do not guarantee that any future construction permit application filed by the licensee (or any assignee) will be successful in undoing the community of license change.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Todd Mohr (via e-mail)